



Avis E Buchanan
Director

Rudolph Acree, Jr.
Deputy Director

Public Defender Service for the District of Columbia Files Suit Against the Federal Bureau of Prisons

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WASHINGTON, D.C. -

The Public Defender Service for the District of Columbia has sued the Federal Bureau of Prisons (BOP) to stop its unequal and discriminatory treatment of individuals in BOP custody who are sentenced by the Superior Court of the District of Columbia (D.C. Superior Court). The case, *Blades v. Garland*, 22-cv-00279, was filed as a class action in the U.S. District Court for the District of Columbia; the plaintiffs ask the Court to stop the BOP's practice of scoring the criminal history of individuals serving D.C. sentences more harshly than the criminal history of individuals serving federal sentences.

Since the federalization of D.C.'s criminal legal system in 1997, individuals sentenced to imprisonment for committing a D.C. Code felony are transferred to BOP custody to serve their sentences at federal prisons all over the country. As a result of the BOP's harsher and discriminatory criminal history scoring practices, the D.C. population in the BOP:

- is more likely to be incarcerated in prisons with higher security levels, and thus
 - is subject to greater and more severe incidents of violence
 - has fewer programming opportunities
 - suffers more restrictive conditions
- is less likely to qualify for home confinement
- receives higher risk assessment scores that decrease the ability to receive compassionate release

The BOP scores the criminal history of individuals sentenced by the D.C. Superior Court more harshly by including outdated, petty, and juvenile offenses in those scores—offenses that are not counted for individuals sentenced by federal courts. Notably, the BOP's criminal history scoring practice has a disparate racial impact, as more than 95 percent of individuals sentenced by the D.C. Superior Court are Black, whereas the majority of individuals with federal sentences are white.

This case seeks to put individuals from D.C. on equal footing with their federal counterparts with whom they share housing, programming, and opportunities for rehabilitation. It also seeks to ensure that criminal history scores for people sentenced by the D.C. Superior Court are accurate and fair.